

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
KATE GORDON,

Plaintiff,

-against-

CAMBRIDGE HUXLEY & ASSOCIATES,
LLC,

Defendant.
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NICHOLAS G. GARAUFIS, United States District Judge.

ORDER

12-CV-2628 (NGG) (VMS)

On May 23, 2012, Plaintiff Kate Gordon bought this action under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (See Compl. (Dkt. 1).) Although Plaintiff served the Summons and Complaint on Defendant Cambridge Huxley & Associates, LLC (Aff. of Service (Dkt. 3)), Defendant never appeared in this action. Plaintiff requested a certificate of default (Dkt. 4), which the Clerk of Court entered on April 4, 2013.

Plaintiff did not file a motion for default judgment. Since her request for a certificate of default, Plaintiff has not filed anything further with the court and has repeatedly failed to respond to orders issued by Magistrate Judge Vera M. Scanlon. (See May 8, 2013, Order; Nov. 6, 2013, Order; Dec. 14, 2013, Order.) Having received no submission from Plaintiff in more than fifteen months, Judge Scanlon issued a sua sponte Report and Recommendation (“R&R”) to this court recommending that this action be dismissed without prejudice for failure to prosecute. (R&R (Dkt. 5).)

No party has objected to Judge Scanlon’s R&R, and the time to do so has passed. See Fed. R. Civ. P. 72(b)(2). (See also R&R at 4 (“Any objections to this report and recommendation must be filed . . . within fourteen days of the date of this Order.” (citations

omitted)).) Therefore, the court reviews the R&R for clear error. See Gesualdi v. Mack Excavation & Trailer Serv., Inc., No. 09-CV-2502 (KAM), 2010 WL 985294, at *1 (E.D.N.Y. Mar. 15, 2010); La Torres v. Walker, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000); cf. 28 U.S.C. § 636(b)(1). Finding no clear error, the court ADOPTS IN FULL the R&R. See Porter v. Potter, 219 F. App'x 112 (2d Cir. 2007).

Accordingly, this action is sua sponte DISMISSED without prejudice for failure to prosecute.

SO ORDERED.

Dated: Brooklyn, New York
May 30, 2014

s/Nicholas G. Garaufis
NICHOLAS G. GARAUFI (')
United States District Judge